

1 of the page?

2 A It seems -- well, I'm trying to analyze
3 it. It looks like the calendar year -- it looks like
4 -- you can see a row of numbers in 1990 -- is
5 scratched. 1991, '92, 1993, '94 all the way down
6 here, and then it goes right on -- the last column it
7 looks like there's 2001. And then over the left it
8 looks like there's another note something like "all
9 done now." So she's -- and I -- as far as I can
10 interpret this is regarding me possibly reporting
11 back to her on the status of the project I had been
12 charged with by them as far as making sure the public
13 inspection file was complete and up to date now. Up to
14 date being 2000 -- as far as into 2001 as we could be
15 at that point. So that's what -- that would be my
16 interpretation of these notes that seem to be on here.

17 Q And if you I take you back, you know that
18 1990 is scratched out?

19 A On this piece of paper, on my copy it
20 looks like 19 -- or the line through 1990 and some
21 scratch there, yes.

22 Q And then it looks like it's also scratched
23 through October and January -- well, I don't know what
24 months.

25 A Yes. Okay.

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1 Q But some months in 1990, right?

2 A 1990 and then it looks like -- it looks
3 like the word "ought" is scratched. And then over --
4 there's some word in -- like in parenthesis there. I
5 -- I'm --

6 Q Okay.

7 A It's tough for me --

8 Q Okay. Well, let me ask you a slightly
9 different question then. Was there anything that you
10 told Ms. Jenkins relating to the 1990 issues programs
11 list that might have caused her in a conversation with
12 you to cross out a 1990 reference that she had
13 initially put down on this page?

14 A I can't recall what that would -- that --
15 what that would be unless it was referring to perhaps
16 what -- upon inspecting the public file issues -- and
17 the issues if there was something regarding 1990. And
18 depending on my answer at that moment, you know, she
19 scratched -- she put that scratch through.

20 Q Okay.

21 A That'd be my -- how I'd interpret it at
22 this point.

23 Q Do you remember creating when you created
24 the individual quarter files for the PIF in 2001, do
25 you remember creating them for any quarters in 1990?

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1 A At this point I -- without actually
2 reviewing the folder I can't recall if we did them
3 actually for 1990 or if they needed to be done for
4 1990.

5 Q Okay. Now why didn't you review the draft
6 response letter that Ernie Sanchez copied you on on
7 April 3rd, the evening of April 3, 2001?

8 MR. SHOOK: Your Honor, I believe that
9 might be a slight mischaracterization of Mr. Helgeson
10 initial testimony.

11 I believe he testified that he may have
12 looked at it on the evening of the 3rd, he may have
13 looked at it on the morning of the 4th.

14 JUDGE SIPPEL: Okay.

15 MR. DUNCAN: My intention is mentioning
16 the date was only to read it off of the email. I
17 don't know when he reviewed it. I agree. I don't know
18 exactly when he reviewed it.

19 JUDGE SIPPEL: Yes.

20 BY MR. DUNCAN:

21 Q Why did you not review the draft document
22 that was sent to you by Mr. Sanchez or copied to you
23 by Mr. Sanchez on Tuesday, April 3rd, regardless of
24 when you looked at it? Why didn't you review it more
25 carefully?

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1 A For what I can recall, is that as I saw it
2 when it came in, it -- it came -- it was addressed
3 basically to Mr. Campos. It was then CC'ed to -- it
4 was CC'ed to me, but it was also CC'ed to two of my
5 superiors, Jackie Wright and Nicole Sawaya. I could
6 understand why it would be sent to Mr. Campos since it
7 was sent from, effectively -- you know, our Washington
8 attorney to our San Francisco attorney. And it seemed
9 to be a legal -- from the review I may have done at
10 the time, it seemed to be something of a legal
11 document. And it was some -- and it was -- and it
12 read to me like parts that I can recall glancing at
13 perhaps seemed very much like a legal document. And so
14 that it may sense to me that if somebody was going to
15 carefully -- really, really carefully review it, it
16 probably would have been an attorney. And -- and I
17 couldn't imagine at the time that anything would be in
18 there that I would have had information that would --
19 that would have been provided by me to Ernie Sanchez
20 or Susan Jenkins that wouldn't be accurate with the
21 descriptions of the information of the actions that I
22 had taken in -- in that period there in March and late
23 February of '03.

24 And so that -- that was probably my -- my
25 state of mind about what actions I took regarding it

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1 when I saw it.

2 Q Now you said the lawyers were involved
3 with issues prior to that time, I think you mentioned
4 the 1997 time frame, what was your understanding if
5 you had one of the involvement of the Sanchez firm
6 with the renewal application?

7 A As I understood it in that period of 1997
8 when the license -- license renewal documents needed
9 to be -- needed to prepared and submitted to the FCC,
10 that Jeff Ramirez was working with the Sanchez law
11 firm in preparing those -- that -- those documents. He
12 certainly was the point person at the station that
13 they would be interacting with as General Manager.
14 And so that -- that was where my understanding came
15 from regarding that; the fact that they were the
16 ongoing. So if there was any question -- and again I
17 should say that subsequent to that later '97 when it
18 was required that they -- they -- the Sanchez firm
19 prepare documents to answer GGPR's challenge, again,
20 they would be working with Jeff -- they worked with
21 Jeff Ramirez, the General Manager at the time.

22 So anything about KALW's license renewal
23 documents, preparing documents, statements at the time
24 they certainly were well aware of in 2001 since they
25 knew in 2001 the work they had done and documents they

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1 had prepared in '97 and '98. That was the basis for
2 that answer.

3 Q And I gather from that answer that you're
4 including that that the Sanchez firm were the lawyers
5 involved in responding to the GGPR Petition to Deny,
6 is that right?

7 A That's correct. They were the -- they put
8 together the response that the District -- that the
9 radio station had to submit to the FCC in January of
10 1998. So they were well aware of what documents, what
11 was in those documents because they basically prepared
12 that -- that response so they knew what documents were
13 included and what answers they had provided to the
14 FCC. Certainly far better than I did and certainly
15 that -- and by 2001 Jeff wasn't there, so he couldn't
16 -- he couldn't state -- he couldn't answer on behalf
17 of the District in 2001 as the letter, as far as I
18 know.

19 Q Do you recall Mr. Shook asking you whether
20 you had checked the Jeff Ramirez declaration in 2001
21 when you were responding to the Letter of Inquiry.

22 A He -- I remember him asking me that, yes.

23 Q Okay. Did Mr. Sanchez ever suggest that
24 you look at the Ramirez declaration?

25 A I don't recall Mr. Sanchez ever asking me

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1 to -- what to review documents regarding the GGPR
2 challenge or our response to it in the period of 2001.
3 If he had asked me to, I would have said "Were do I
4 find a copy, Ernie," or "Can you get me a copy," or
5 "Where will I find a copy." And I would have read it.
6 And if he had asked -- and then, after reading, I
7 would have said "Well, what is it I'm reading it for?
8 What information, Ernie?" But I don't recall ever
9 having that -- him having that conversation with me or
10 Susan Jenkins having that conversation with me.

11 Q I'll be you're not going to call --
12 (laughter) -- Mr. Shook talking to you about this. So
13 let me -- I hate to do it, but I'm going to put in
14 front of you one more time the draft response, which
15 is at SFUSD 21. I'm going to ask that you read a
16 particular line that I believe Mr. Shook read into the
17 record, but on page 5 this is the draft --

18 A This is the draft of the April 3rd?

19 Q Correct. Yes. If you'd take a look at
20 the first full paragraph on page 5, and I'm really
21 focusing on the last two sentences, very briefly. No.
22 Last three sentences.

23 JUDGE SIPPEL: Why don't you read the
24 sentence, too, while he's looking at it.

25 BY MR. DUNCAN:

1 Q "Also missing from the file was the
2 original of an issues/programs list for the program
3 City Visions for the last quarter of 1997. That list,
4 a copy of which is enclosed, had been faced to counsel
5 in January 1998 prior to the original being placed in
6 the issues/programs list file. KALW's present
7 management and SFUSD unable to explain what may have
8 happened to the missing list." Do you recall that?

9 A I certainly read it.

10 Q Okay. As I understand what you did at the
11 Sanchez firm's request was figure out what was in the
12 PIF at the time you were looking at in 2001, is that
13 correct?

14 A That's right. After getting the Letter of
15 Inquiry I spoke with them, said what -- what do you
16 need me to do. The first thing they said to do, what
17 they said to do was go to the Public Information -- go
18 to the PIF and what -- what do you find when you go to
19 the PIF. Take a look and review what's in there now.

20 Q And did you?

21 A And I did that. And reported back to
22 them.

23 Q Okay. And did you have any personal
24 knowledge of documents that had been in the file
25 before but were not in the file when you looked at

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1 that?

2 A At that time I didn't know when I looked
3 at something, what it -- I only knew what I knew at
4 that point what was in there, not -- you know, I had
5 no way of knowing what was in there in 1980 -- 1995
6 based on my look and inspection in the year 2001.

7 Q In other words, if it there weren't things
8 in there, you told the lawyers there weren't things in
9 there but you didn't know what specific things had
10 been in there before, is that right?

11 A That's correct. I didn't know at that
12 point, you know, the status of it other than Jeff
13 Ramirez certifying that sufficient documents --
14 documentation was in there, I don't have any way --
15 independent way of knowing what was in there when I
16 looking in 2001 whether that was what it was -- was --
17 was or wasn't in there in 1997.

18 Q So how do think this sentence ended up in
19 this draft from the lawyers about this January 1998
20 document having been put in the file a long time ago
21 but not being in there now? Did you tell them that?

22 A I told them what I saw when I looked in
23 the file 2001. If they have some other -- from
24 talking with Jeff Ramirez -- from their communication
25 with Jeff Ramirez in '97 knowing that it was in there

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1 from that, then perhaps that's where they got that
2 information that it was in there in '97 but somehow
3 not in there in 2001.

4 MR. DUNCAN: Begging your indulgence for
5 a minute, Your Honor. I have a reference here, I'm
6 trying to find where it was.

7 JUDGE SIPPEL: All right. Let's go off
8 the record until you find it.

9 MR. DUNCAN: Thank you.

10 (Whereupon, at 2:16 p.m. off the record
11 until 2:17 p.m.)

12 BY MR. DUNCAN:

13 Q Okay. Mr. Helgeson, let me ask you when
14 you signed your declaration in 2001 that was filed by
15 the Sanchez law firm with the response to the Letter
16 of Inquiry had you seen the version of the Letter of
17 Inquiry response that was actually filed?

18 A When I signed my declaration on February
19 5th at that point the only -- that's the only document
20 that I had in front of me at that time. They didn't
21 have a final -- they did have the final -- they had
22 not given me the final copy at that point. They were
23 still doing some final edits, apparently, so I didn't
24 have that in front of me. And I had to reason to
25 believe that, you know, anything that was going to go

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1 in it -- anything that would be in that final would be
2 anything I would have a problem with.

3 Q Did the Sanchez law firm know that you
4 were signing the declaration regarding factual
5 information being provided to the government in a
6 document that you had not yet had a chance to review?

7 A Since they were the ones who drafted that
8 declaration and sent it to me, and apparently they
9 also were working at the same time on final -- a final
10 copy of their -- of their document, they would -- they
11 would have had to have known, yes.

12 Q And Mr. Shook took you through the draft
13 document that you did receive and the final version
14 that was filed and there were -- there were
15 differences, isn't that correct?

16 A We found some differences this morning,
17 yes.

18 Q Okay. And no one from the Sanchez law
19 firm suggested to you that you wait to sign your
20 declaration until you've actually read the document
21 that they were going to file?

22 A No time did they ever say don't -- don't
23 sign this until we send the final copy to you for
24 signature.

25 Q And in fact, looking at the documents

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1 weren't they telling you turn this around and send it
2 back to us right away?

3 A They returned -- their request was to send
4 this back to us right away. We've got to get this
5 filed at the FCC by tomorrow, tomorrow being Friday.
6 And this was Thursday when -- when it was -- when I
7 had it to sign.

8 Q And why did -- I asked you this about
9 another document, but it just occurred to me. Why did
10 the Sanchez law firm send you the Letter of Inquiry
11 when it came in?

12 A Well, in February of '01, again, it came
13 to a period of time there when I was standing in for
14 a General Manager because the School District hadn't
15 as yet filled the position for the permanent General
16 Manager. And so at that point I was -- I was the only
17 person they could see as -- who was in -- in a manager
18 who they could send any document to at KALW. So it had
19 to be me. By default, I was the one who got letters
20 from the Sanchez' since other than basically the
21 announcers, I was the staff there.

22 Q So this is one of those emergencies that
23 fell in your lap as a stand in General Manager, is
24 that right?

25 A This is pretty much at that point, you

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1 know, there was nobody else to get -- to get anything
2 at KALW from the attorneys other than me, so I got it.

3 MR. DUNCAN: That's all I have, Your
4 Honor.

5 JUDGE SIPPEL: Anything on that? Do you
6 want on question on that?

7 MR. SHOOK: Just a few things.

8 RECROSS EXAMINATION

9 BY MR. SHOOK:

10 Q Mr. Helgeson, Mr. Duncan had asked you
11 some questions about your exposure to governmental
12 regulations in general and FCC regulations in
13 particular before you actually started to work at
14 KALW. My question to you is in terms of exposure to
15 governmental regulations. I think you had indicated
16 that you had a business running a bar before you
17 became associated with KALW?

18 A Not immediately before being in my
19 involvement at KALW. But in the years before, yes.

20 Q And I think you had also mentioned that
21 there was some license that you either had to get or
22 had to have renewed?

23 A I think that there was a liquor license.
24 And I was trying to think of government agencies that
25 I dealt with. And there was a state agency that issued

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1 the license.

2 Q Was that a license that had to be renewed
3 during the time you were managing the bar?

4 A I believe the renewal, it had to be
5 renewed during the time on an annual basis. It was
6 like a driver's license. You sent in a check once a
7 year, I think.

8 Q And was it your responsibility to have the
9 license renewed?

10 A As the owner of the -- of the business at
11 the time, I was -- it was my responsibility to make
12 out the check, make sure the check got to the proper
13 agency each year.

14 Q Was there anything more involved than
15 simply writing a check?

16 A I don't recall at that point. Now we're
17 going years back. I believe it was just pretty much
18 just writing a check and sending in the -- sending the
19 -- you were sent a form once a year and this was your
20 annual renewal.

21 Q Now are you one of those fortunate
22 individuals who takes your federal or state tax
23 returns to have them filled out by somebody else?

24 A Lately I have been taking it to someone
25 else to fill out, yes.

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1 Q But an earlier point in time you did them
2 yourself?

3 A I think at an earlier point in time when
4 I was doing some myself, yes.

5 Q And I take it you would review the
6 instructions to the form in order to fill the form out
7 correctly?

8 A If I had a form to fill out, I probably
9 would have to had review whatever instructions were
10 there.

11 Q I mean you have filled out form 1040s
12 before, haven't you?

13 A I -- yes, I have -- for the federal tax?
14 Yes, I think I have.

15 Q And that was before you became associated
16 with KALW?

17 A Yes. Before I became associated with KALW,
18 I filled some out.

19 Q And you read the instructions?

20 A I read the instructions at that time.

21 Q Now, Mr. Duncan asked you in connection
22 with Enforcement Bureau Exhibit 14, which was the fax
23 transmission from Susan Jenkins on February 8, 2001
24 and it included the three page FCC Letter of Inquiry.
25 And in the course of asking you questions about that

1 document, there was some testimony on your part about
2 Susan Jenkins and/or Ernie Sanchez knowing certain
3 things in terms of how to respond to the FCC's Letter
4 of Inquiry. Do you recall that?

5 A I recall we had that discussion.

6 Q Now in terms of Ernie Sanchez and/or Susan
7 Jenkins knowing various things, did they know what was
8 in the station's public file on August 1, 1997?

9 A I couldn't swear that what -- what they
10 knew about the station's public file was other than
11 what they knew from Jeff Ramirez who would have been
12 their contact in -- I'm sorry, in what time again?

13 Q August 1, 1997, which was --

14 A '97?

15 Q -- one of the focal points of that Inquiry
16 letter.

17 A Yes. Their knowledge of the Public --
18 since they weren't in San Francisco, their knowledge
19 of the public file like mine, and their -- would have
20 been coming from what Jeff Ramirez had told them or
21 communicated to them in some way because he was the
22 one who had certified in -- about the status and the
23 state of the public file in 1997.

24 Q And other Mr. Ramirez checking a yes box
25 on an application did you have any knowledge as to

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1 what it was that Mr. Ramirez had communicated with Mr.
2 Sanchez or Ms. Jenkins about the state of the public
3 file on August 1, 1997?

4 A I don't have any specific knowledge about
5 what -- what he had communicated then, if anything.

6 Q Also in terms of Mr. Sanchez' or Ms.
7 Jenkins' knowledge, as far as the current state, that
8 is the state of the public file in 2001, now they
9 didn't know anything about that, did they, other than
10 what you were going to tell them?

11 A I would say that, you know -- they -- when
12 I was on the phone to them after -- after my
13 inspecting of the file, I -- I spoke with them. Given
14 -- and I told them what I found -- I told -- gave them
15 a report of what I found.

16 Q Now, I'm just trying to make sure that
17 their knowledge of the public file didn't result from
18 their actually coming out to San Francisco and looking
19 through the public file?

20 A I don't -- I have no recollection of them
21 coming to San Francisco and looking at the public
22 file.

23 Q Either in 1997 or in 2001?

24 A Not as far as I can recall.

25 Q Now Mr. Duncan also asked you about EB

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1 Exhibit 21, which was a March 8, 2001 memo from Nicole
2 Sawaya. And that memo refers to, among other things,
3 three supplemental ownership report for 1999, 2000 and
4 2001. Are you aware of that?

5 A Yes, I -- I do refer -- I remember that
6 was in there where she says those are prepared. And I
7 believe in that memo she says originals included, I
8 believe.

9 Q Did you transmit the originals of those
10 ownership reports to the Sanchez law firm?

11 A By -- by transmit, you mean --

12 Q Send.

13 A Send? Put in the mail?

14 Q Send, fax, carrier pigeon.

15 MR. DUNCAN: Whether he, he did --

16 THE WITNESS: Me personally?

17 BY MR. SHOOK:

18 Q Right.

19 A I don't recall that I personally made out
20 the envelop and shipped them to the Sanchez law firm
21 or not. I don't recall that. I may have. But I don't
22 recall if I prepared an envelop and shipped the
23 originals out.

24 Q Do you have any knowledge as to who sent
25 them to the Sanchez law firm, if anyone?

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1 A I don't recall who shipped them to the
2 Sanchez law firm.

3 Q Mr. Duncan also asked you some questions
4 that concerned the opposition to the Petition to Deny
5 that SFUSD submitted to the FCC in 1998. In 2001 when
6 you were looking through the public file was there a
7 copy of the opposition to the Petition to Deny?

8 A You mean was there a copy at the
9 station's--

10 Q Yes, sir.

11 A I believe there was a copy of -- of the
12 documents that had been filed regarding the challenge
13 -- the license challenge.

14 Q Right. There would have been the Petition
15 to Deny --

16 A Yes.

17 Q -- and the opposition, and all the other
18 pleadings --

19 A The various back and forths?

20 Q Right. They were all at the station?

21 A They seemed to be in a file drawer, yes.

22 Q Within the public file?

23 A I think they were stacked kind of -- since
24 they were so thick, that they were stacked in that --
25 in that drawer yes rather than hanging in folders.

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1 Because they were rather large.

2 Q Okay. So the opposition to the Petition
3 to Deny was available to you?

4 A It would have been available, yes.

5 Q And had you ever read it?

6 A I don't recall actually reading it. I --
7 and at that point, you know, if I had been asked to by
8 a General Manager or -- or Ernie Sanchez, I would have
9 done it. But neither -- I don't recall being asked to
10 read it.

11 Q And it just wasn't fascinating enough for
12 you to decide it to read it on your own.

13 A (Laughter). No. I don't recall reading
14 it on my own.

15 Q That's okay. You don't need to respond.

16 (Laughter).

17 MR. SHOOK: I have nothing further.

18 JUDGE SIPPEL: I have nothing. You
19 finished, Mr. Duncan?

20 MR. DUNCAN: I am, I believe.

21 JUDGE SIPPEL: I guess I can speak the
22 words you've been waiting so long to hear.

23 (Laughter).

24 JUDGE SIPPEL: You're excused as a
25 witness. And I ask you again to not to talk to other

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1 witnesses in this case until our hearing phase is
2 over.

3 If you have any questions about that, talk
4 to your attorney. You've been in that chair since
5 Tuesday.

6 (Laughter).

7 JUDGE SIPPEL: But we're going to have to
8 keep the chair.

9 (Laughter).

10 JUDGE SIPPEL: Thank you very much. Thank
11 you for your fortitude. You're excused as a witness.

12 (Whereupon, the witness was excused.)

13 JUDGE SIPPEL: Let's go off the record for
14 a couple of minutes.

15 (Whereupon, at 2:32 p.m. off the record
16 until 2:44 p.m.)

17 JUDGE SIPPEL: We have another witness
18 testifying. This is cross examination of Mr. Lopez,
19 is that right?

20 MR. LOPEZ: Yes.

21 JUDGE SIPPEL: Mr. Jason Lopez. He is
22 testifying in writing on behalf of the Bureau. And
23 he's being cross examined by the School District, is
24 that right?

25 Ms. Leavitt.

1 MS. LEAVITT: Yes. Thank you, Your Honor.

2 Whereupon,

3 JASON LOPEZ

4 was called as a witness by Counsel for Enforcement
5 Bureau, and having been first duly sworn, assumed the
6 witness stand and was examined and testified as
7 follows:

8 DIRECT EXAMINATION

9 BY MS. LEAVITT:

10 Q Mr. Lopez, have you had a chance to look
11 at that document that I handed to?

12 A Yes.

13 Q And do you recognize that document?

14 A Yes, I do.

15 Q And what is it?

16 A This is my testimony that I submitted
17 after the September hearings that we had in March and
18 April, I believe.

19 Q I think on the last page, the 9th page, it
20 tells you exactly when you executed your testimony?

21 A Right. Yes.

22 Q And what was the date of that?

23 A That was March 29th.

24 Q 2005?

25 A 2005, yes.

1 Q And you've reviewed the document, correct?

2 A Yes.

3 JUDGE SIPPEL: I'm sorry to interrupt.
4 Oversight on my part. I'm going to ask you to stand
5 and raise your right hand, sir.

6 THE WITNESS: Certainly.

7 (Whereupon witness sworn).

8 JUDGE SIPPEL: Thank you.

9 BY MS. LEAVITT:

10 Q Now that you've been sworn in, is
11 everything that you stated before being sworn in, was
12 that the truth?

13 A Yes.

14 Q Thank you.

15 A Yes.

16 Q Have you had a chance to look at this
17 document?

18 A The testimony?

19 Q Yes.

20 A Yes, I have.

21 Q And is there anything that you would like
22 to change with what you stated on March 29, 2005?

23 A Let me take a look.

24 Q Yes, please do. Take your time.

25 A Just in line 16.

1 Q Of what page?

2 A Page 5.

3 Q At page 5, line 16.

4 A Or part 16. I may have helped Susan Hecht
5 with her declaration. I'm not sure. So -- I guess --
6 technical, I guess that could be I do not recall who -
7 - that could be me, if anyone helped her out in Ms.
8 Hecht's declaration. But maybe I'm splitting hairs on
9 that. But that's --

10 Q So it currently reads: "I do not recall
11 who, if anyone, helped draft Mr. Hecht's declaration?"

12 A Right. And maybe it would be more precise
13 to say I do not recall if I helped to draft Ms.
14 Hecht's declaration.

15 Q Okay. Thank you.

16 A I may have helped draft it.

17 JUDGE SIPPEL: Well that, we'll make that
18 change. It's a matter of record. We don't have to do
19 anything physically with the document.

20 BY MS. LEAVITT:

21 Q Are there any other changes?

22 A No. Everything else stands.

23 Q Thank you.

24 JUDGE SIPPEL: This appears that it's the
25 Bureau's Exhibit 4, is that correct?

1 MS. LEAVITT: I'm sorry. Yes, Your Honor.

2 JUDGE SIPPEL: Okay. Please proceed.

3 CROSS EXAMINATION

4 BY MR. PRICE:

5 Q Good afternoon, Mr. Lopez. Thank you for
6 joining us today. I promise to make this as brief as
7 possible. I have just a few areas of inquiry to try
8 to clear up some things on your prepared testimony.

9 A Yes.

10 Q On paragraph 14 through 17 of page 5 of
11 your testimony you discuss and describe Ms. Hecht --
12 Susan Hecht. And you make certain statements about
13 things Mr. Hecht may or may not have said and things
14 she may have or may have not been said to Ms. Hecht
15 and things that Ms. Hecht may or may not have done.
16 Do you see that portion of your testimony?

17 A Yes. I do.

18 Q And your testimony in paragraphs 14 and 15
19 appear to be based on a declaration that Ms. Hecht
20 apparently in 1997, is that correct?

21 A Let me read through it very quickly.

22 So yes, I would say that that's true.
23 That's based on her -- her affidavit as well as a
24 brief conversation I had with her about the list that
25 she had done up.